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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,661	08/27/2001	Masayoshi Suzuki	01FN017US	2498

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EXAMINER
RICHARDS, N DREW

ART UNIT	PAPER NUMBER
2815	

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/938,661	Applicant(s) SUZUKI ET AL.	
	Examiner N. Drew Richards	Art Unit 2815	

-- The MAILING DATE of this communication appears on th cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 30 ~~MONTH~~ day(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 August 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-59* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-50, drawn to a device, classified in class 349, subclass 104+.

II. Claims 51-55, drawn to a method for producing a device, classified in class 394, subclass 187.

III. Claims 56-59, drawn to a method for using a device, classified in class 349, subclass 167.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by another and materially different process. For example, the product as claimed can be made by forming the liquid crystal on the first substrate and then placing the second substrate on the liquid crystal and first substrate.

3. Inventions I and III are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as

claimed can be used in a materially different process of using the product. For example, the product as claimed can be used by applying voltages of the same polarity to adjacent pixels or by changing voltage applied onto the liquid crystal layer after a frame is finished.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. If group I drawn to a device is elected, the following restriction further applies:

6. Restriction to one of the following inventions is required under 35 U.S.C. 121:

IA. Claims 7-28, drawn to a combination, classified in class 349, subclass 139.

IB. Claims 1-6 and 29-50, drawn to a subcombination, classified in class 394, subclass 104.

7. Inventions IA and IB are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination as claimed does

not require the details of claims 3-6 and 29-50. The subcombination has separate utility such as in a device that does not include TFT's at the intersection of the scanning signal lines and the picture signal lines.

8. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

9. If group IA drawn to a combination is elected, the following election of species applies:

10. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species IA1 having a quarter-wavelength plate and a polarization plate as shown in figure 3 and where the pixel electrode is shaped as shown in figure 10A;

Species IA2 having a quarter-wavelength plate and a polarization plate as shown in figure 3 and where the pixel electrode is shaped as shown in figure 10B;

Species IA3 having a quarter-wavelength plate and a polarization plate as shown in figure 3 and where the pixel electrode is shaped as shown in figure 11A;

Species IA4 having a quarter-wavelength plate and a polarization plate as shown in figure 3 and where the pixel electrode is shaped as shown in figure 11B;

Species IA5 having a quarter-wavelength plate and a polarization plate as shown in figure 3 and where the pixel electrode is shaped as shown in figures 16A and 16B;

Species IA6 having a three-prime-color cholesteric material layer as shown in figures 6A and 6B and where the pixel electrode is shaped as shown in figure 10A;

Species IA7 having a three-prime-color cholesteric material layer as shown in figures 6A and 6B and where the pixel electrode is shaped as shown in figure 10B;

Species IA8 having a three-prime-color cholesteric material layer as shown in figures 6A and 6B and where the pixel electrode is shaped as shown in figure 11A;

Species IA9 having a three-prime-color cholesteric material layer as shown in figures 6A and 6B and where the pixel electrode is shaped as shown in figure 11B;

Species IA10 having a three-prime-color cholesteric material layer as shown in figures 6A and 6B and where the pixel electrode is shaped as shown in figures 16A and 16B;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims

are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

11. If group IB to a subcombination is elected, the following election of species applies:

12. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species IB1 having a quarter-wavelength plate and a polarization plate as shown in figure 3 and where the liquid crystal layer negative dielectric anisotropy;

Species IB2 having a quarter-wavelength plate and a polarization plate as shown in figure 3 and where the liquid crystal has positive dielectric anisotropy and a twisted nematic structure when no voltage is applied;

Species IB3 having a quarter-wavelength plate and a polarization plate as shown in figure 3 and where the liquid crystal has positive dielectric anisotropy and a homogenous structure when no voltage is applied;

Species IB4 having a three-prime-color cholesteric material layer as shown in figures 6A and 6B and where the liquid crystal layer negative dielectric anisotropy;

Species IB5 having a three-prime-color cholesteric material layer as shown in figures 6A and 6B and where the liquid crystal has positive dielectric anisotropy and a twisted nematic structure when no voltage is applied;

Species IB6 having a three-prime-color cholesteric material layer as shown in figures 6A and 6B and where the liquid crystal has positive dielectric anisotropy and a homogenous structure when no voltage is applied;

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

13. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to N. Drew Richards whose telephone number is (703) 306-5946. The examiner can normally be reached on M-F 8:00-5:30; Every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eddie Lee can be reached on (703) 308-1690. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

NDR
July 31, 2003

GEORGE ECKERT
PRIMARY EXAMINER